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PATENT
Atty. Docket No.: 203-2709 CON (2666 CON)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet, et al. Examiner: N. Chukwurah
Serial No.: 10/783,126 Group Art Unit: 3721
Filed: February 20, 2004 Dated: August 10, 2004
For: SURGICAL STAPLING DEVICE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

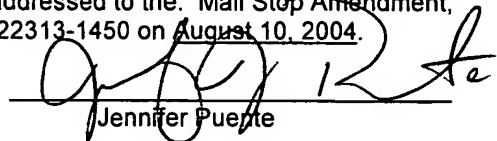
Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner.

The references listed were previously cited and submitted in the parent application, U.S. Application Serial No. 09/687,815, filed October 13, 2000. In accordance with 37 C.F.R. §1.98(d) and 35 U.S.C. §120, copies of the references can be obtained in the above-identified application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 10, 2004.

Dated: August 10, 2004


Jennifer Puente

08/12/2004 CCHAU1 00000052 10783126

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The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

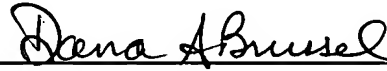
- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☐ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).

- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ Please charge the \$130.00 petition fee to Deposit Account No. 21-0550.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☒ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.
- TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

The claims of the application as now presented are believed to
patentably distinguish over the prior art and to be in condition for allowance.

Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dana A. Brussel", written over a horizontal line.

Dana A. Brussel

Reg. No.: 45,717

Attorney for Applicant(s)

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DAB/jjp

Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
2666 CON (203-2709 CON)SERIAL NO.
10/783,126

APPLICANTS David C. Racenet et al.

FILING DATE
February 20, 2004GROUP ART UNIT
3721INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|------|--------------------|-------|--------------------|-------|----------|----------------------------------|
| | Des. | 283,733 | 05/86 | Rawson et al. | | | |
| | Des. | 273,513 | 04/84 | Spreckelmeier | | | |
| | | 2,174,219 | 03/39 | Balma | | | |
| | | 3,079,606 | 03/63 | Bobrov et al. | | | |
| | | 3,080,564 | 03/63 | Strekopytov et al. | | | |
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| | | 3,269,630 | 08/66 | Fleischer | | | |
| | | 3,317,105 | 05/67 | Astafjev et al. | | | |
| | | 3,494,533 | 02/70 | Green et al. | | | |
| | | 3,692,224 | 09/72 | Astafiev et al. | | | |
| | | 3,795,034 | 03/74 | Strekopytov et al. | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|--|--------------------|-------|---------------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | | WO 83/02247 | 07/83 | EPO | | | | |
| | | 2542188 | 09/84 | France | | | | |
| | | 2141066 | 12/84 | Great Britain | | | | |
| | | 0136950 | 04/85 | EPO | | | | |
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| | | 0273468 | 07/88 | EPO | | | | |
| | | 0537571 | 04/93 | EPO | | | | |

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|--|--|
| | | Information Booklet for Auto Suture, Poly CS-57, Disposable Surgical Stapler, 1988, USSC |
| | | Proximate, RL Plus Reloadable Linear Stapler, instructions |

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | | | | | |
|--|--|--|-------|---|-------|--------------------------|----------------------------------|
| Form PTO-1449 | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTY. DOCKET NO. 2666 CON (203-2709 CON) | | SERIAL NO. 10/783,126 | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | | | APPLICANTS David C. Racenet et al. | | | |
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| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | | 3,822,818 | 07/74 | Strekopytov et al. | | | |
| | | 4,047,654 | 09/77 | Alvarado | | | |
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| | | 4,305,539 | 12/81 | Korolkov et al. | | | |
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| | | 4,383,634 | 05/83 | Green | | | |
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| | | 4,470,533 | 09/84 | Schuler | | | |
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| | | 4,513,746 | 04/85 | Aranyi et al. | | | |
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| | | 4,522,327 | 06/85 | Korthoff et al. | | | |
| | | 4,527,724 | 07/85 | Chow et al. | | | |
| | | 4,530,453 | 07/85 | Green | | | |
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| | | 4,568,009 | 02/86 | Green | | | |
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| | | 4,580,712 | 04/86 | Green | | | |
| | | 4,585,153 | 04/86 | Failla et al. | | | |
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| | | 4,589,582 | 05/86 | Bilotti | | | |
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| | | 4,617,928 | 10/86 | Alfrance | | | |
| | | 4,632,290 | 12/86 | Green et al. | | | |
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| | | 4,665,916 | 05/87 | Green | | | |
| | | 4,684,051 | 08/87 | Akopov et al. | | | |
| | | 4,714,187 | 12/87 | Green | | | |
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| | | 4,788,978 | 12/88 | Strekopytov et al. | | | |
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| | | 4,809,898 | 03/89 | Gassner et al. | | | |
| | | 4,819,853 | 04/89 | Green | | | |
| | | 4,848,637 | 07/89 | Pruitt | | | |
| | | 4,869,414 | 09/89 | Green et al. | | | |
| | | 4,881,544 | 11/89 | Green et al. | | | |
| | | 4,881,545 | 11/89 | Isaacs et al. | | | |

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| | | 4,915,100 | 04/90 | Green | | | |
| | | 4,930,503 | 06/90 | Pruitt | | | |
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| | | 5,458,279 | 10/95 | Plyley | | | |
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| | | 5,464,144 | 11/95 | Guy et al. | | | |
| | | 5,465,894 | 11/95 | Clark et al. | | | |
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| | | 5,580,067 | 12/96 | Hamblin et al. | | | |
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| | | 5,732,871 | 03/98 | Clark et al. | | | |
| | | 5,735,445 | 04/98 | Vidal et al. | | | |
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| | | 5,785,232 | 07/98 | Vidal et al. | | | |
| | | 5,794,834 | 08/98 | Hamblin et al. | | | |
| | | 5,810,240 | 09/98 | Robertson | | | |
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| | | 5,893,506 | 04/99 | Powell | | | |
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| | | 6,045,560 | 04/00 | McKean et al. | | | |
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